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WESTERN DISTRICT OF LOUISIANA
MONROE, LOUISIANA

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION

KENNETH DALE HOWE AND
GWENDOLYN SUE HOWE

* CIVIL ACTION NO. ⁰⁵~~04~~-0143

* JUDGE JAMES

VERSUS

* MAGISTRATE JUDGE HAYES

JOHN E. HUGHES, WARD 2 CEMETERY
ASSOCIATION, AND MOREHOUSE PARISH
POLICE JURY

J U D G M E N T


The Report and Recommendation of the Magistrate Judge having been considered, together with the written objections thereto filed with this Court, and, after a de novo review of the record, finding that the Magistrate Judge's Report and Recommendation is correct and that judgment herein is warranted,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the Motions to Dismiss (Documents 11 and 13) be GRANTED in Part and DENIED in Part as follows:

The Motion to Dismiss the claims of plaintiff Kenneth Dale Howe filed by defendants, John E. Hughs and Ward 2 Cemetery Association and Morehouse Parish Police Jury, (Documents 11 and 13) is hereby GRANTED, and Kenneth Dale Howe's civil rights claim, if any, is dismissed **with** prejudice for lack of standing and that his state law claims are dismissed **without** prejudice for lack of subject matter jurisdiction.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Motion to Dismiss the claims of plaintiff Gwendolyn Sue Howe filed by defendant, Morehouse Parish Police Jury, (Document 13) is **DENIED**.

THUS DONE AND SIGNED this 5 day of September, 2005, in
Monroe, Louisiana.


ROBERT G. JAMES
UNITED STATES DISTRICT JUDGE
WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION